* IN THE HIGH COURT OF DELHI AT NEW DELHI

\+ W.P.(C) 8674/2007

Y.S.SENGAR ..... Petitioner
Through : Mr. Rajeev Sharma, Adv.

versus

MCD & ORS ..... Respondents
Through : Mr. Amit K. Paul, Adv.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% 23.11.2007

The present writ petition is directed against the order dated 26th June, 2007 passed by the Assistant Commissioner (Establishment) of the respondent/MCD, whereunder it was held that the petitioner does not merit entitlement for assignment of look after charge to the post of Assistant Engineer (Civil) as there is pendency of a police case against the him.

Counsel for the petitioner states that the petitioner is entitled to be promoted against the post of Assistant Engineer (Civil) with all consequential benefits. A perusal of the impugned order shows that it does not deal with the issue of promotion of the petitioner and has only dealt with the representation made by the petitioner pursuant to the order dated 27th April, 2007 passed in WP(C) No.3029/2007, whereby the petitioner's case for being considered for assignment of look after charge was examined.

Signature Not Verified

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The anxiety of the petitioner is that an observation has been made in para 2 of the Office Order to the effect that the officers of MCD shall not qualify for promotion/assignment of higher post/sensitive post in the following events :

"a. those charge-sheeted
b. those having police case
c. those with currency of penalty
d. those under suspension."

The aforesaid anxiety of the petitioner is answered by the counsel for the respondent by clarifying that the case of the petitioner for being considered for promotion to the post of Assistant Engineer (Civil) shall be dealt with in accordance with the judgment rendered by the Supreme Court in the case of Union of India Vs. K.V.Janakiraman reported as **AIR 1991 SC 2010** and mere pendency of a police case will not come in his way unless and until a charge sheet is issued against the petitioner.

In view of the aforesaid statement made on behalf of the respondent, counsel for the petitioner states that the writ petition may be disposed of.

The writ petition stands disposed of.

HIMA KOHLI,J

NOVEMBER 23, 2007
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